

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD M. CULLEN and MARY C. CULLEN,

Plaintiff,

v

Civil Case No.: 2:21-cv-000076

CITY OF ST. IGNACE a/k/a CITY OF SAINT
IGNACE, ANTHONY D. BROWN, DARCY D.
LONG, CONSTANCE A LITZNER, COUNTY OF
MACKINAC, SCOTT A. STRAIT, and CARYN
MARIE MICHALAK, individually and in their
official capacities, and jointly and severally,

Honorable Hala Y. Jarbou

Defendant.

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**DEFENDANT LITZNER'S
MOTION FOR JUDGMENT ON THE PLEADINGS
AND FOR SUMMARY JUDGMENT**

Defendant Connie Litzner, by her attorneys, Kitch Drutchas Wagner Valitutti & Sherbrook, submits the following as her early motion for Judgment on the Pleadings under FRCP 12(c) and/or Summary Judgment under FRCP 56, and in support thereof states:

1. The moving defendant was the mayor of the City of St. Ignace from 2017 to 2021,

during the time that the events at issue in this lawsuit occurred.

2. As mayor, she had no responsibility and authority over the issues involved in this case.

3. She did not have the authority to fire Richard Cullen. She did not fire Richard Cullen.

4. She did not take any adverse employment action as to Richard Cullen.

5. She did not have involvement in the decision that was made as to the release of documentation under the Freedom of Information Act to a person requesting it, as that request pertains to the issues involved in this case.

6. As to the central actions and the claims that have been generally asserted against the "city defendants" in this case, the complaint fails to state facts that would support the claims as they pertain to the moving defendant.

7. As to certain of the claims, facts have been developed in the course of depositions. As to those claims, there is no genuine issue of material fact between the parties and defendant Litzner is entitled to summary judgment in her favor as a matter of law based on those undisputed facts.

8. Defendant certifies that there has been an effort to obtain concurrence from the opposing party on these matters, and concurrence has not been forthcoming.

For these reasons, the moving defendant request that her motion be granted.

KITCH DRUTCHAS WAGNER
VALITUTTI & SHERBROOK

Dated: August 15, 2022

By: /s/ M. Sean Fosmire
M. Sean Fosmire